

## **Exhibit A**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   IN AND FOR THE DISTRICT OF DELAWARE  
3                   - - -  
4       COOPER NOTIFICATION, INC.,           :     CIVIL ACTION  
5                   Plaintiff,                :  
6                   v.                         :  
7       TWITTER, INC, EVERBRIDGE, INC., :  
8       RAVE WIRELESS, INC., and           :  
9       FEDERAL SIGNAL CORP.,             :  
                  Defendants.               :     NO. 09-865 (LPS)

10                   - - -  
11                             Wilmington, Delaware  
12                             Thursday, December 15, 2011  
                           *Telephone Conference*

13                   - - -  
14       BEFORE:           HONORABLE **LEONARD P. STARK**, U.S.D.C.J.

15                   - - -  
16       APPEARANCES:

17                             POTTER, ANDERSON & CORROON, LLP  
18                   BY:   PHILIP A. ROVNER, ESQ.

19                             and

20                             KRAMER LEVIN NAFTALIS & FRANKEL, LLP  
21                   BY:   PAUL ANDRE, ESQ.  
                           (Silicon Valley, California)

22                             Counsel for Cooper Notification, Inc.

23  
24   Brian P. Gaffigan  
25   Registered Merit Reporter

<p style="text-align: center;">14</p> <p>1 30(b)(6) notice. Our preparation of witnesses were as well  2 as we could do that with all the documents and evidence that  3 was available to us at the time.</p> <p>4 THE COURT: Mr. Andre, was there a topic that Mr.  5 Milburn was designated for that you ultimately de-designated  6 him and Mr. Lowry was the person who was designated eventually  7 on that topic?</p> <p>8 MR. ANDRE: Yes, your Honor. It was on the  9 finances, which we don't believe was relevant.</p> <p>10 They said they wanted to take finances.  11 We said we don't believe Cooper's finances are  12 relevant to this case, and we have had this issue many  13 times. And,  14 They said they want to take a witness on that  15 topic.</p> <p>16 We said, well, we have one person, our  17 controller, that can testify on the spreadsheets. And,  18 What we did, we took the QuickBooks, and I  19 believe that is an issue that was raised in the other  20 letter, and we ran spreadsheets for them, detailed it all  21 ourselves.</p> <p>22 The person that actually did that was Mr. Lowry.  23 We told them that would be the person that could testify to  24 it, if they wanted to do it. We don't think it is relevant  25 whatsoever.</p>	<p style="text-align: center;">16</p> <p>1 those are the spreadsheets, Mr. Milburn could do so. But  2 that was all he was willing to do, that is all he is going  3 to do.</p> <p>4 They wanted to dig into the details of how those  5 documents, those numbers were created. That is going to be  6 another witness.</p> <p>7 THE COURT: And on the authentication topic and  8 document collection, are you able to say at this point  9 whether there will be any challenges to the authenticity of  10 documents that you have produced? Challenges from you?</p> <p>11 MR. ANDRE: No, your Honor. There will be no  12 challenges on authentication of documents.</p> <p>13 THE COURT: Okay.</p> <p>14 MR. ANDRE: Mr. Milburn was the one who  15 authenticated those were the financial documents. They say  16 what they say. They are just spreadsheets.</p> <p>17 But they want to know how the documents are  18 generated, and that is going to be another witness.</p> <p>19 THE COURT: All right. Let me turn it back to  20 Mr. Leach. Is there anything you wish to add?</p> <p>21 MR. LEACH: I do. I would like to address  22 almost everything he said. Let's start with the finances.  23 The topic is the unit sales, customer revenue,  24 cost of goods sold, profit, expenses for each of Cooper's  25 products, if any, that allegedly practice or embody the</p>
<p style="text-align: center;">15</p> <p>1 Two of the defendants choose to go. I believe  2 Twitter even chose not to show up at that because they don't  3 believe it is relevant either, obviously. So they close to  4 take Lowry.</p> <p>5 We made him available out of pure cooperation  6 instead of objecting and having to come to your Honor for a  7 motion to compel.</p> <p>8 THE COURT: Is this Topic 28 on finance,  9 Mr. Andre?</p> <p>10 MR. ANDRE: That's correct.</p> <p>11 THE COURT: So isn't it the case then that  12 whether relevant or not, there is no protective order in  13 place? You chose to designate Mr. Milburn. He wasn't  14 prepared at the time of the deposition that counsel were  15 at to depose him on Topic 28, and then you redesignated  16 Mr. Lowry on Topic 28 and that necessitated counsel for  17 defendants to be in New York for the sole purpose of taking  18 Mr. Lowry's deposition on Topic No. 28.</p> <p>19 Is that all correct?</p> <p>20 MR. ANDRE: I wouldn't characterize it that way,  21 your Honor. I would say that the fact of the matter is we  22 are trying to consolidate as much as we could, but Mr.  23 Lowry -- if we are ever going to provide a detailed analysis  24 of Topic 28, which counsel required, it would be Mr. Lowry.  25 If they wanted to authenticate the documents,</p>	<p style="text-align: center;">17</p> <p>1 claimed invention.</p> <p>2 This topic is directly relevant to the  3 Georgia-Pacific factors of the hypothetical negotiation.</p> <p>4 We were not solely seeking to authenticate documents. We  5 wanted to understand what documents they had. We wanted to  6 understand what these spreadsheets meant. There are sales  7 numbers in these documents that we needed to understand and  8 someone was supposed to testify to that.</p> <p>9 For him to say it wasn't relevant is simply not  10 the case. Those documents are absolutely relevant or this  11 topic is absolutely relevant, and it necessitated us to go  12 to New York and get this information.</p> <p>13 His point about there being 100 topics. Many,  14 if not -- maybe there is three that don't overlap. All of  15 these topics pretty much overlap. The defendants tried to  16 consolidate and almost copy verbatim the topics and so there  17 weren't 100 topics that they had to deal with.</p> <p>18 I think, your Honor, you correctly said that  19 they had a duty to move for a protective order. They never  20 did that. And,  21 Then on this point there is no one at Cooper  22 that has personal knowledge of these facts? He is just  23 wrong about that. Unless there has been a few witnesses  24 that have since left, I don't know but I think at the time  25 they were there.</p>

18

1 I think Mr. Brabec works for Cooper. He was one  
2 of the inventors and one of the founders of Roam Secure, the  
3 company way back when that dealt with a lot of this, a lot  
4 these issues back then. And,

5 The same with Dan Park. He was also back then.  
6 He still works at Cooper and he was one of the inventors  
7 and founders of Roam Secure, the company that allegedly  
8 developed the inventive technology. And,

9 Also, they represent the other inventors and  
10 founders of the company that are even third-party witnesses.  
11 They certainly had access to these people. They certainly  
12 could have had Milburn or Hearn talk to them. So I'll leave  
13 it at that.

14 THE COURT: All right. Well, I am going to grant  
15 the request for sanctions in connection with the deposition  
16 which I am told was on November 22nd of Mr. Lowry.

17 Topic 28 sounds as if it is a relevant topic  
18 but, more importantly, there was no protective order in  
19 place to make it improper to question a 30(b)(6) witness on  
20 Topic 28. And,

21 In fact, Mr. Milburn was designated by Cooper to  
22 testify as their 30(b)(6) witness on Topic 28. He was not  
23 prepared to do so. He was de-designated, and then Mr. Lowry  
24 was designated on that topic. That necessitated defense  
25 counsel to be in New York to depose Mr. Lowry on Topic 28

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1 when they had no other reason to be in New York. So I do  
2 believe that sanctions are appropriate.

3 Now, mind you, I am not at this point ruling that  
4 all defense counsel for all defendants will be reimbursed 100  
5 percent of all of their costs associated with the November  
6 22nd deposition. I will make a specific determination as to  
7 precisely how sanctionable this conduct is after I receive  
8 further documentation. And,

9 I will and do hereby direct the parties to meet  
10 and confer and to propose to the Court by Monday a schedule  
11 by which defense counsel will disclose precisely what it  
12 is they are seeking in terms of a monetary sanction and to  
13 provide a brief written argument in support of it and to  
14 allow Cooper an opportunity to respond and defendants to  
15 briefly reply to that. After I have that full record, I'll  
16 make a specific determination as to the amount of sanctions.

17 With respect to the option to take an additional  
18 30(b)(6) deposition on authentication and document collection  
19 issues, the request is granted to that as well. The defendants  
20 have that option and may take an additional 30(b)(6)  
21 deposition on those topics.

22 Let's move then quickly on to the other two  
23 letters. Here, it is disputes raised by Everbridge against  
24 Cooper. So let me hear first briefly from Everbridge.

25 MR. COVAZOS: Good morning, your Honor. This is

20

1 Ed Cavazos for Everbridge. I am going to address the first  
2 issue raised in our letter. Then any colleague, Conor  
3 Civins will address the remainder.

4 I will do this very quickly because I know there  
5 are several issues in our letter.

6 This first issue we think is a relatively  
7 straightforward one, involves an e-mail that was produced  
8 during the normal course of discovery by Cooper. As your  
9 Honor may see when you review the e-mail, the e-mail  
10 makes it pretty apparent that Cooper personnel had some  
11 communications with ex-Everbridge employees in which we  
12 believe those Everbridge employees disclosed certain trade  
13 secrets to Cooper.

14 Our request is very simple, your Honor. That  
15 is not as Cooper has argued it is, a de-designation, because  
16 we believe these are trade secrets and we don't want this  
17 document de-designated and losing protection under the  
18 protective order but rather a very limited opportunity to  
19 share with our client the first two pages of that document,  
20 the ones that we attached to our letter brief, so that our  
21 client understands the extent to which their trade secrets  
22 may have been compromised, our client may take steps to  
23 potentially mitigate further compromise of his trade secrets,  
24 to perhaps identify which of its ex-employees are engaging  
25 in the dissemination of their trade secrets.

21

1 We thought it was a pretty straightforward  
2 request, your Honor. If you look at the face of this letter,  
3 we don't see anything in this letter other than facts and the  
4 information regarded to our client and us. We saw no basis  
5 for any reason that Cooper would object to us showing this  
6 letter for our clients so they could determine how best to  
7 respond to it.

8 You will see in the correspondence leading up  
9 to this, we even offered that Cooper, if there was something  
10 they thought was somehow confidential to their client embodied  
11 in this letter that we would be willing to consider what  
12 that was, whether it needed to be redacted. We didn't get  
13 any such specificity from them. Quite honestly, your Honor,  
14 we're a little puzzled by our inability to show our client  
15 this letter which purports to contain their trade secrets.

16 THE COURT: Are you willing to represent as to  
17 what you would or would not put this to or that your client  
18 would?

19 MR. COVAZOS: I don't think I am in a position  
20 to represent that because I haven't been able to discuss the  
21 specific contents of the letter with my client. I mean I  
22 think it would be inappropriate for me to limit my client's  
23 reaction to this before they understand the severity to  
24 which the dissemination of these trade secrets may have hurt  
25 them.

# **Exhibit B**

## **Redacted in its entirety**

## **Exhibit C**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

COOPER NOTIFICATION, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 09-865-LPS
	)	
TWITTER, INC., a Delaware corporation,	)	
EVERBRIDGE INC., a Delaware corporation,	)	
RAVE WIRELESS INC., a Delaware	)	
corporation, and FEDERAL SIGNAL CORP.,	)	
a Delaware corporation,	)	
	)	
Defendants.	)	

**DECLARATION OF THOMAS R. LEACH**

I, Thomas J. Leach, declare as follows:

1. My name is Thomas J. Leach. I am over twenty-one years of age and am fully competent to make this Declaration. All statements contained herein are true and correct within my personal knowledge.

2. I am an equity partner with the law firm of Merchant & Gould P.C. and have been a member of the Minnesota State Bar since 2001. I am entering my tenth year as an intellectual property litigation attorney.

3. I have an undergraduate degree from Iowa State University in Chemical Engineering.

4. I am counsel for Defendant Federal Signal Corporation ("Federal Signal").

5. I prepared for and attended the depositions of both Mr. Milburn and Mr. Hern on October 26 and 27. Mr. Milburn was not prepared to testify on Federal Signal's 30(b)(6) topic regarding Cooper's financials and Cooper withdrew Mr. Milburn as their corporate designee on

that topic and others. Cooper designated David Lowery to cover the 30(b)(6) topic on Cooper's financial information and made him available on November 22, 2011.

6. I was unable to attend and take Mr. Lowery's deposition in New York on November 22, 2011, as I had another deposition in California that day in another matter. Thus, Chris Davis prepared for and took Mr. Lowery's deposition in New York.

7. I reviewed Merchant & Gould's fees in this matter regarding Cooper's failure to properly prepare its 30(b)(6) witnesses and the correspondence and legal analysis in determining whether to bring this motion.

8. I assisted in the drafting, editing and arguing of the motion for sanctions filed by Federal Signal on December 11, 2011, against the Plaintiff, Cooper Notification.

9. On December 9, 2011, I spent 1.7 hours reviewing the testimony of Mr. Milburn and Mr. Hearn and analyzing legal issues regarding 30(b)(6) witness preparation.

10. On December 11, 2011, I spent 3.8 hours analyzing legal issues regarding sanctions, reviewing the record, and preparing Federal Signal's letter brief for Sanctions, Docket No. 341.

11. On December 12, 2011, I spent 3.2 hours editing, reviewing exhibits, and finalizing Federal Signal's letter brief for Sanctions, Docket No. 341.

12. On December 15, 2011, I spent 2.2 hours preparing for and arguing Federal Signal's motion for sanction.

13. On December 20, 2011, I spent 1.8 hours reviewing my time entries, drafting and editing Federal Signal Corp.'s December 22, 2011 Brief in Support of Motion for Award of Attorneys' Fees and Costs and this Declaration.



14. On December 21, 2011, I spent 0.8 hour reviewing and revising my declaration in support of Federal Signal Corp.'s December 22, 2011 Brief in Support of Motion for Award of Attorneys' Fees and Costs.

15. The amount of time I spent on these issues was reasonable and necessary. Moreover, the time spent on these issues was due solely to Cooper not providing a prepared 30(b)(6) witness and having to move for sanctions against Cooper for such conduct.

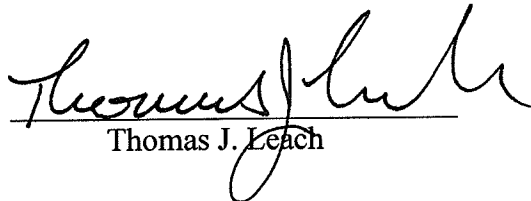
16. I spent a total amount of 13.5 hours analyzing legal issues regarding preparing 30(b)(6) witnesses and sanctions, preparing Federal Signal's motion for sanctions and arguing that motion, and preparing Federal Signal December 22, 2011 Brief in Support of Motion for Award of Attorneys' Fees and Costs and my supporting declaration.

17. My regular hourly rate for this matter is \$450.00 per hour.

18. The total dollar amount I spent on the above tasks was \$6,075.

19. The time spent related to the Motion for Sanctions have been, or will be entered into the firm's billing records, and have been, or will be, billed to Federal Signal.

Executed this 22 day of December, 2011.

  
Thomas J. Leach

## **Exhibit D**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

COOPER NOTIFICATION, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 09-865-LPS
	)	
	)	
TWITTER, INC., a Delaware corporation,	)	
EVERBRIDGE INC., a Delaware corporation,	)	
RAVE WIRELESS INC., a Delaware	)	
corporation, and FEDERAL SIGNAL CORP.,	)	
a Delaware corporation,	)	
	)	
Defendants.	)	

**DECLARATION OF CHRISTOPHER C. DAVIS**

I, Christopher C. Davis, declare as follows:

1. My name is Christopher C. Davis. I am over twenty-one years of age and am fully competent to make this Declaration. All statements contained herein are true and correct within my personal knowledge.
  
2. I am an associate attorney with the law firm of Merchant & Gould P.C. and am a member of the Wisconsin State Bar since 2007. I am entering my fifth year as an intellectual property litigation attorney.
  
3. Prior to attending law school, I was a software engineer from 1997 to 2004. I worked extensively with client-server applications and databases. This experience is especially relevant to this case.
  
4. I am counsel for Defendant Federal Signal Corp. in this case.
  
5. I prepared for and took the deposition of David Lowrey in New York, New York as Cooper's Rule 30(b)(6) designee for financial topics. The only reason I travelled to New

York was for that deposition. Following my return, I spent time analyzing the results of the deposition and planning for the brief filed by Federal Signal on December 11, 2011 for sanctions against the Plaintiff, Cooper Notification.

6. On November 17, 2011, I spent 5.5 hours on analyzing previous 30(b)(6) financial expert testimony and preparing to depose Mr. Lowrey as the replacement 30(b)(6) witness.

7. On November 21, 2011, I spent 8.6 hours analyzing documents and preparing for Mr. Lowrey's 30(b)(6) deposition.

8. On November 22, 2011, I spent 7.7 hours preparing for, taking, and analyzing the results of Mr. Lowrey's 30(b)(6) deposition with fellow counsel.

9. On November 23, 2011, I spent 0.3 hours consolidating my notes and exhibits from Mr. Lowrey's 30(b)(6) deposition and providing them for use by other attorneys.

10. On November 27, 2011, I spent 0.4 hours analyzing the results of the two financial 30(b)(6) witnesses with Attorney Tom Leach and planning how we would go about seeking sanctions for duplicate work.

11. My regular hourly rate for this matter is \$285.00 per hour.


12. The time spent related to preparing for and deposing Mr. Lowrey under Rule 30(b)(6) and planning the Motion for Sanctions has been, or will be entered into the firm's billing records, and have been, or will be, billed to Federal Signal.

13. My round-trip coach-class plane ticket to New York for Mr. Lowrey's deposition cost \$1,349.40.

14. My expenses in New York for cabs, lodging, and food amounted to \$491.37.

15. Attached as Exhibit A is a true and correct copy of my flight itinerary and receipts for my lodging and expenses accrued during my November 21-22, 2011 trip to New York to depose Mr. Lowrey under Rule 30(b)(6).

Executed this 21<sup>st</sup> day of December, 2011.



Christopher C. Davis

Merchant Gould Confidential

**Merchant & Gould Travel Expense Report**

NAME: Chris Davis

Timekeeper #

TODAY'S DATE: 11/28/11

TRAVEL DATES: 11/21/11 - 11/22/11

ACCOUNT TO CHARGE:

(Client, Promo/CLE, Other): 15730.0050USZA

DESCRIPTION: Travel to New York for deposition

DAILY EXPENSES						
MONTH/DATE	Meals	Expense Amount	DESCRIPTION	OTHER	Expense Amount	DESCRIPTION
11/21/11	M e a l s B			Cab	\$39.40	Cab from airport to hotel.
	L			Tips		
	D	\$42.00	Dinner	Phone		
	Snacks			Other	\$1.75	Lightrail fare to airport.
	Bev.			Other		
11/22/11	M e a l s B	\$20.42	Breakfast before deposition.	Cab	\$40.79	Cab from hotel to airport.
	L	\$10.93	Lunch	Tips		
	D	\$19.47	Dinner at airport before flight.	Phone		
	Snacks			Other	\$1.75	Lightrail fare to downtown.
	Bev.			Other		
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	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		
	D			Phone		
	Snacks			Other		
	Bev.			Other		
	M e a l s B			Cab		
	L			Tips		

Page 1 of 1

130 West 46th Street  
 New York, NY 10036  
 212.485.2400 :Phone  
 212.485.2789 :Fax  
 877.692.6873 :Reservations  
 www.themusehotel.com



DAVIS, CHRISTOPHER C

Room Number: 1005  
 Daily Rate: 260.00  
 Room Type: KGDX  
 No. of Guests: 1 / 0

US

ARRIVAL	DEPARTURE	CREDIT CARD	RATE PLAN	CATEGORY	ACCOUNT
11/21/11	11/22/11	XXXXXXXXXXXX	T24	ICNS	
DATE	ROOM NO	DESCRIPTION	REFERENCE	AMOUNT	
11/21/11	1005	WIRELESS INTERNET/BUSINESS CTI	1005/211515/4	\$13.00	
11/21/11	1005	ROOM CHARGE	#1005 DAVIS, CHRISTOPHER C	\$260.00	
11/21/11	1005	TAX - ROOM - CITY	TAX - ROOM - CITY	\$15.28	
11/21/11	1005	TAX - ROOM - STATE	TAX - ROOM - STATE	\$23.08	
11/21/11	1005	TAX - ROOM - LOCAL	TAX - ROOM - LOCAL	\$3.50	
11/22/11	1005	AMERICAN EXPRESS	AMERICAN EXPRESS	(\$314.86)	

CREDIT DUE: (\$0.00)

KIMPTON® hotels &amp; restaurants

800.KIMPTON • KIMPTONHOTELS.COM

--ORIGINAL--

MED# 7C33  
 DRIVER: 236221  
 CUSTOMER COPY  
 12/31/07 TR 1103  
 Regular Fare  
 RATE 1:\$ 26.10  
 SURCH: \$ 1.00  
 QMTN1:\$ 4.80  
 STSRCH:\$ 0.50  
 TIP: \$ 7.00  
 TOTAL: \$ 39.40  
  
 CARD TYPE: [REDACTED]  
 XXXXXXXXXXXX [REDACTED]  
 AUTH:579532

THANKS  
 TO CONTACT TLC  
 DIAL 3-1-1

I ♥ NEW YORK

HACK # 00440936  
 MED # 8L56  
 TRIP # 16281  
 DATE: 11/22/2011  
 START TIME 15:54  
 END TIME 16:38  
 RATE No. 11  
 STAND. CITY RATE  
 MILES R1 9.87  
 FARE1 \$ 27.30  
 ST. SUR 0.50  
 Mid-Tun 4.80  
 Tip/Other 8.19  
 GR.TOT. 40.79

Contact TLC Dial  
 3-1-1

CARDNUMBER: [REDACTED]  
 AUTHOR.: 537343

\*\*\*\*\*  
 \* RECEIPT  
 \* NOT VALID FOR TRAVEL \*  
 \*\*\*\*\*

Nicollet Mall  
 TVM10205  
 Mon 21 Nov 11 01:26PM

Payment type:  
 Purchase:Full Local Fare

Quantity: 1

Amount: \$ 1.75

Credit Card #:

Auth #: 021568  
 Ref #: 040006359595  
 Transaction #:0000103075

DUNHILL CAFE  
 109 N 45TH ST  
 NEW YORK NY 10036  
 212-944-8484

REPRINT

Merchant ID: 000004064732  
 Term ID: 00509000 Ref #: 0024

Sale

Entry Method: Swiped

Amount: \$ 10.93

Tip: -----

Total: -----

11/22/11 10:59:40

Inv #: 000024 Appr Code: 545240

Apprvd: Online Batch#: 000067

I agree to pay above total  
 amount according to card issuer  
 agreement (Merchant agreement if  
 credit voucher)

DAVIS/CHRISTOPHE C

Merchant Copy

\*\*\*\*\*  
 \* RECEIPT  
 \* NOT VALID FOR TRAVEL \*  
 \*\*\*\*\*

LindberghTerminal  
 TVM11302  
 Tue 22 Nov 11 08:35PM

Payment type:  
 Purchase:Full Local Fare

Quantity: 1

Amount: \$ 1.75

Credit Card #:

Auth #: 586756  
 Ref #: 030000818097  
 Transaction #:0000906088

ROXY DELICATESSEN  
 1565 BROADWAY  
 NEW YORK, NY 10036

11/21/2011 20:53:57  
 Merchant ID: 00000000580625  
 Terminal ID: 02843907  
 6312559222

CREDIT CARD

CARD # XXXXXXXXXXXX  
 INVOICE 0042  
 Batch #: 000585  
 Approval Code: 560678  
 Entry Method: Swiped  
 Mode: Online

PRE-TIP AMT \$35.82

TIP 7.00

TOTAL AMOUNT 42.00

CUSTOMER COPY



Cibo Express Gourmet Market  
LaGuardia Airport Terminal D  
OTG Management

116 Rosa

3759 NOV22'11 5:21PM

1 Nestle Water	2.39
1 BRBL SW Chic S	9.75
1 KND Al Ap	2.99
1 CC PeanButMC LG	2.75

Food	17.88
TAX	1.59
AMOUNT PAID	19.47
XXXXXXXXXX	XX/XX
	19.47

Thank You.....  
We want your feedback  
Please Call (866) 508 3558  
or visit [www.OTGManagement.com](http://www.OTGManagement.com)

NIOS  
SWIRL SIP SAVOR  
130 W 46th St  
212-485-2999

Server: Hernan DOB: 11/22/2011  
08:23 AM 11/22/2011  
Table 21/1 1/10018

1048584  
Card #XXXXXXXXXX  
Magnetic card present: Yes  
Approval: 567664

Amount: 17.42

+ Tip: 3.00

= Total: 20.42

X \_\_\_\_\_

\*\*Guest Copy\*\*

# **Exhibit E**

## **Redacted in its entirety**

## **Exhibit F**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

COOPER NOTIFICATION, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 09-865-LPS
	)	
	)	
TWITTER, INC., a Delaware corporation,	)	
EVERBRIDGE INC., a Delaware corporation,	)	
RAVE WIRELESS INC., a Delaware	)	
corporation, and FEDERAL SIGNAL CORP.,	)	
a Delaware corporation,	)	
	)	
Defendants.	)	

**DECLARATION OF KRISTIN M. DRIEMAN**

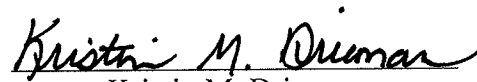
I, Kristin M. Drieman, declare as follows:

1. My name is Kristin M. Drieman. I am over twenty-one years of age and am fully competent to make this Declaration. All statements contained herein are true and correct within my personal knowledge.
2. I am a paralegal with the law firm of Merchant & Gould P.C.
3. I assisted in compiling exhibits and editing of the brief filed by Federal Signal on December 12, 2011 for sanctions against the Plaintiff, Cooper Notification.
4. On December 12, 2011, I spent 4.1 hours on compiling documents and editing Federal Signal's letter brief for Sanctions, Docket No. 341.
5. My regular hourly rate for this matter is \$205.00 per hour.
6. The time spent related to the Motion for Sanctions have been, or will be entered into the firm's billing records, and have been, or will be, billed to Federal Signal.

7. Attached hereto as Exhibit A is a true and correct copy of the court reporter and videographer invoice from the deposition of David Lowry taken on November 22, 2011.

8. The total cost for court reporter and videographer services is \$2216.21

Executed this 21st day of December, 2011.

  
Kristin M. Drieman

# **EXHIBIT A**

**MERRILL CORPORATION****LegalLink, Inc.**920 Second Ave South  
Suite 110  
Minneapolis, MN 55402  
Phone: 612.338.1181**I N V O I C E**

INVOICE NO.	INVOICE DATE	JOB NUMBER
14135201	12/16/2011	1439-194048
JOB DATE	REPORTER(S)	CASE NUMBER
11/22/2011	LNY	09-865 (LPS)
CASE CAPTION		
Cooper Notification, Inc. vs. Federal Signal Corp., et al.		
TERMS		
Immediate, sold FOB Merrill facility		

Kristin Drieman  
Merchant & Gould  
80 South Eighth Street  
3200 IDS Center  
Minneapolis, MN 55402-2215

## VIDEOTAPING SERVICES FOR THE DEPOSITION OF:

David Lowry

Set-up & First Hour		125.00
Additional Deposition Hr	4.50 Hours @	36.67/Hour 165.02
Tape Stock - Digital	3.00 @	13.33 39.99
Video on CD	5.00 Hours @	60.00/Hour 300.00
Shipping & Handling		7.50

**TOTAL DUE >>>> 637.51**

The cost of the videographer has been split with Fenwick & West, LLP and Bracewell & Giuliani, LLP.

Deposition Location: New York, NY

ORDERED BY: Chris Davis  
Merchant & Gould  
80 South Eighth Street  
3200 IDS Center  
Minneapolis, MN 55402-2215

**TAX ID NO.:** 20-2665382

(612) 332-5300 Fax (612) 332-9081

*Please detach bottom portion and return with payment.*

Kristin Drieman  
Merchant & Gould  
80 South Eighth Street  
3200 IDS Center  
Minneapolis, MN 55402-2215

Invoice No.: 14135201  
Date : 12/16/2011  
**TOTAL DUE : 637.51**

Job No. : 1439-194048  
Case No. : 09-865 (LPS)  
Cooper Notification, Inc. vs. Federa

Remit To: **LegalLink, Inc.**  
**PO Box 90473**  
**Chicago, IL 60696-0473**

**MERRILL CORPORATION****LegalLink, Inc.**920 Second Ave South  
Suite 110  
Minneapolis, MN 55402  
Phone: 612.338.1181**I N V O I C E**

INVOICE NO.	INVOICE DATE	JOB NUMBER
14135199	12/16/2011	1438-194047
JOB DATE	REPORTER(S)	CASE NUMBER
11/22/2011	LNY	09-865 (LPS)
CASE CAPTION		
Cooper Notification, Inc. vs. Federal Signal Corp., et al.		
TERMS		
Immediate, sold FOB Merrill facility		

Kristin Drieman  
Merchant & Gould  
80 South Eighth Street  
3200 IDS Center  
Minneapolis, MN 55402-2215

## ORIGINAL + 1 COPY OF TRANSCRIPT AND WORD INDEX OF:

30(b)(6) David Lowry-HIGHLY CONFIDENTIAL	248 Pages @	4.45/Page	1,103.60
ATTENDANCE			40.00
Unedited ASCII (RT)	221.00 Pages @	1.50/Page	331.50
Total Transcript			45.00
Total Transcript Archive			7.50
Total Transcript Exhibits	109.00 Pages @	.40/Page	43.60
Process/Delivery			7.50

**TOTAL DUE >>>> 1,578.70**

Original &amp; 2 copies has been split with Bracewell and Giuliani LLP.

Attendance has been split with with Fenwick &amp; West, LLP and Bracewell &amp; Giuliani, LLP.

Deposition Location: New York, NY

ORDERED BY: Chris Davis  
Merchant & Gould  
80 South Eighth Street  
3200 IDS Center  
Minneapolis, MN 55402-2215

**TAX ID NO.:** 20-2665382

(612) 332-5300 Fax (612) 332-9081

*Please detach bottom portion and return with payment.*

Kristin Drieman  
Merchant & Gould  
80 South Eighth Street  
3200 IDS Center  
Minneapolis, MN 55402-2215

Invoice No.: 14135199  
Date : 12/16/2011  
**TOTAL DUE : 1,578.70**

Job No. : 1438-194047  
Case No. : 09-865 (LPS)  
Cooper Notification, Inc. vs. Federa

Remit To: **LegalLink, Inc.**  
**PO Box 90473**  
**Chicago, IL 60696-0473**



## **Exhibit G**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

COOPER NOTIFICATION, INC.,

Plaintiff,

v.

TWITTER, INC., a Delaware corporation,  
EVERBRIDGE INC., a Delaware corporation,  
RAVE WIRELESS INC., a Delaware  
corporation, and FEDERAL SIGNAL CORP.,  
a Delaware corporation,

Defendants.

Civil Action No. 09-865-LPS

**DECLARATION OF AARON M. JOHNSON**

I, Aaron M. Johnson, declare as follows:

1. My name is Aaron M. Johnson. I am over twenty-one years of age and am fully competent to make this Declaration. All statements contained herein are true and correct within my personal knowledge.

2. I am an associate attorney with the law firm of Merchant & Gould P.C. and am a member of the Minnesota State Bar since 2005. I clerked two years for the Chief Magistrate Judge for the District of Minnesota before entering the private practice of law in 2007. I am entering my fifth year as an intellectual property litigation attorney.

3. I possess both a B.A. and a M.S. degree in chemistry.

4. I am counsel for Defendant Federal Signal Corp. in this case.

5. I assisted in the drafting, researching, and editing of the brief filed by Federal Signal on December 11, 2011 for sanctions against the Plaintiff, Cooper Notification.

6. On December 9, 2011, I spent 3.1 hours on drafting, reviewing documents, researching, and editing Federal Signal's letter brief for Sanctions, Docket No. 341.

7. On December 11, 2011, I spent 1.2 hours on drafting, researching, and editing Federal Signal's letter brief for Sanctions, Docket No. 341.

8. On December 20, 2011, I spent 1.3 hours on reviewing documents and drafting and editing Federal Signal Corp.'s December 22, 2011 Brief in Support of Motion for Award of Attorneys' Fees and Costs and this Declaration.

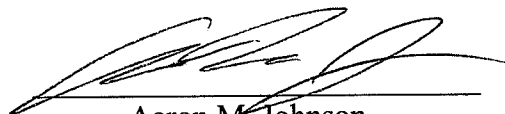
9. On December 22, 2011, I spent 3.0 hours on reviewing documents and drafting and editing Federal Signal Corp.'s December 22, 2011 Brief in Support of Motion for Award of Attorneys' Fees and Costs and this Declaration.

10. My regular hourly rate for this matter is \$370.00 per hour.

11. The time spent related to the Motion for Sanctions have been, or will be entered into the firm's billing records, and have been, or will be, billed to Federal Signal.

12. Attached as Exhibit H to this Motion is a true and correct copy of portions of the 2011 AIPLA Report of the Economic Survey, which provides average attorney billing rates for the practice of Intellectual Property law.

Executed this 22 day of December, 2011.



Aaron M. Johnson

## **Exhibit H**

# ***AIPLA***

## **Report of the Economic Survey**

# **2011**

**Prepared Under Direction of  
Law Practice Management Committee**

**American Intellectual Property Law Association  
241 18th Street South, Suite 700  
Arlington, Virginia 22202  
[www.aipla.org](http://www.aipla.org)**

## Private Firm, Partner

Average hourly billing rate in 2010 (Q34)

Private Firm, Partner

		Average hourly billing rate in 2010				
		Number of Individuals	Mean (Average)	First Quartile 25%	Median (Midpoint)	Third Quartile 75%
All Individuals		622	\$441	\$325	\$410	\$535
Years of Intellectual Property Law Experience	Fewer than 5	3	\$210	ISD	\$180	ISD
	5-6	9	\$345	\$240	\$275	\$325
	7-9	38	\$321	\$279	\$303	\$336
	10-14	137	\$383	\$303	\$360	\$425
	15-24	224	\$456	\$350	\$430	\$550
	25-34	147	\$481	\$375	\$450	\$595
	35 or More	62	\$524	\$380	\$550	\$653
Location	Boston CMSA	29	\$561	\$390	\$560	\$688
	NYC CMSA	43	\$557	\$400	\$590	\$675
	Philadelphia CMSA	26	\$457	\$374	\$450	\$513
	Washington, DC CMSA	107	\$483	\$360	\$460	\$600
	Other East	23	\$355	\$265	\$340	\$420
	Metro Southeast	16	\$396	\$326	\$383	\$450
	Other Southeast	12	\$374	\$328	\$369	\$419
	Chicago CMSA	52	\$447	\$376	\$423	\$500
	Minne.-St. Paul PMSA	26	\$409	\$344	\$396	\$455
	Other Central	132	\$351	\$280	\$333	\$410
	Texas	46	\$492	\$380	\$475	\$600
	Los Angeles CMSA	21	\$500	\$385	\$475	\$603
	San Francisco CMSA	27	\$571	\$395	\$585	\$700
	Other West	62	\$368	\$300	\$350	\$421
IP Technical Specialization (>=50%)	Biotechnology	29	\$490	\$350	\$535	\$603
	Chemical	42	\$373	\$298	\$336	\$455
	Computer Hardware	10	\$583	\$388	\$600	\$781
	Computer Software	44	\$414	\$300	\$377	\$525
	Electrical	67	\$454	\$330	\$440	\$550
	Mechanical	147	\$395	\$320	\$380	\$450
	Medical/ Health Care	20	\$461	\$321	\$395	\$579
	Pharmaceutical	17	\$523	\$375	\$525	\$690
	Other areas	6	\$451	\$348	\$443	\$588
Age	Younger than 35	10	\$247	\$180	\$238	\$303
	35-39	35	\$336	\$270	\$322	\$390
	40-44	114	\$411	\$309	\$360	\$485
	45-49	153	\$428	\$320	\$410	\$500
	50-54	98	\$455	\$349	\$433	\$520
	55-59	89	\$472	\$365	\$450	\$552
	60 or Older	120	\$499	\$376	\$473	\$602
Gender	Male	566	\$442	\$325	\$410	\$531
	Female	50	\$427	\$295	\$418	\$558
Highest Non-Law Degree	Bachelor's Degree	421	\$439	\$325	\$400	\$528
	Master's Degree	118	\$441	\$329	\$423	\$525
	Doctorate Degree	38	\$437	\$312	\$395	\$558
Ethnicity	White/Caucasian	562	\$444	\$330	\$410	\$536
	Black/African American	5	\$434	\$278	\$370	\$623
	Hispanic/Latino	11	\$397	\$250	\$378	\$510
	Asian/Pacific Islander	16	\$441	\$350	\$420	\$500
	North American Indian/Native Canadian	1	ISD	ISD	ISD	ISD
	Blended	7	\$319	\$230	\$300	\$400
	Other	9	\$452	\$318	\$430	\$590
						\$343
Full-time Intellectual Property lawyers and agents in the firm or corporation	1-2	28	\$293	\$250	\$293	\$385
	3-5	85	\$351	\$300	\$335	\$396
	6-10	74	\$366	\$304	\$385	\$475
	11-25	149	\$402	\$303	\$425	\$489
	26-50	86	\$434	\$344	\$540	\$650
	51-100	113	\$542	\$428	\$540	\$738
	101-150	33	\$586	\$465	\$540	\$738
	More than 150	45	\$606	\$518	\$600	\$663

Average hourly billing rate in 2010 (Q34)

Private Firm, Associate

		Average hourly billing rate in 2010				
		Number of Individuals	Mean (Average)	First Quartile 25%	Median (Midpoint)	Third Quartile 75%
All Individuals		516	\$320	\$225	\$300	\$395
Years of Intellectual Property Law Experience	Fewer than 5	219	\$264	\$200	\$250	\$325
	5-6	96	\$306	\$240	\$288	\$370
	7-9	69	\$362	\$275	\$345	\$435
	10-14	69	\$406	\$300	\$395	\$503
	15-24	39	\$406	\$310	\$380	\$525
	25-34	8	\$496	\$413	\$468	\$560
	35 or More	5	\$439	\$240	\$325	\$695
Location	Boston CMSA	24	\$401	\$310	\$350	\$539
	NYC CMSA	31	\$433	\$300	\$410	\$545
	Philadelphia CMSA	19	\$324	\$275	\$330	\$375
	Washington, DC CMSA	102	\$375	\$289	\$368	\$450
	Other East	22	\$258	\$198	\$215	\$291
	Metro Southeast	18	\$310	\$255	\$314	\$364
	Other Southeast	14	\$249	\$204	\$240	\$300
	Chicago CMSA	33	\$334	\$273	\$315	\$410
	Minne.-St. Paul PMSA	28	\$272	\$200	\$281	\$319
	Other Central	94	\$242	\$189	\$230	\$276
	Texas	35	\$345	\$250	\$350	\$400
	Los Angeles CMSA	18	\$383	\$305	\$355	\$445
	San Francisco CMSA	19	\$361	\$260	\$370	\$470
	Other West	59	\$263	\$190	\$240	\$310
IP Technical Specialization (≥50%)	Biotechnology	26	\$319	\$229	\$305	\$375
	Chemical	37	\$318	\$270	\$300	\$355
	Computer Hardware	13	\$353	\$213	\$375	\$418
	Computer Software	60	\$335	\$240	\$318	\$400
	Electrical	57	\$330	\$230	\$325	\$408
	Mechanical	102	\$273	\$200	\$268	\$331
	Medical/ Health Care	17	\$291	\$225	\$275	\$325
	Pharmaceutical	23	\$345	\$275	\$325	\$410
	Other areas	10	\$355	\$253	\$325	\$465
Age	Younger than 35	195	\$273	\$200	\$260	\$325
	35-39	129	\$322	\$220	\$300	\$410
	40-44	94	\$363	\$275	\$365	\$435
	45-49	39	\$332	\$250	\$315	\$400
	50-54	29	\$358	\$270	\$310	\$450
	55-59	12	\$391	\$350	\$383	\$439
	60 or Older	13	\$452	\$265	\$460	\$593
Gender	Male	409	\$317	\$225	\$300	\$385
	Female	105	\$329	\$225	\$315	\$410
Highest Non-Law Degree	Bachelor's Degree	329	\$311	\$220	\$295	\$385
	Master's Degree	108	\$327	\$230	\$300	\$385
	Doctorate Degree	63	\$344	\$270	\$325	\$420
Ethnicity	White/Caucasian	460	\$320	\$225	\$300	\$395
	Black/African American	5	\$405	\$307	\$425	\$494
	Hispanic/Latino	4	\$295	\$201	\$223	\$461
	Asian/Pacific Islander	25	\$310	\$238	\$305	\$345
	North American Indian/Native Canadian	2	ISD	ISD	ISD	ISD
	Blended	8	\$317	\$293	\$300	\$378
	Other	4	\$269	\$243	\$255	\$309
Full-time Intellectual Property lawyers and agents in the firm or corporation	1-2	12	\$245	\$166	\$213	\$330
	3-5	42	\$249	\$183	\$238	\$300
	6-10	55	\$250	\$200	\$250	\$290
	11-25	106	\$278	\$205	\$265	\$331
	26-50	96	\$332	\$233	\$310	\$400
	51-100	110	\$372	\$275	\$350	\$460
	101-150	24	\$377	\$281	\$340	\$458
	More than 150	55	\$386	\$320	\$390	\$450